

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

CASE TYPE

Thomas Berg and Zelda Berg,

Court File No.: _____

Plaintiff,

vs.

SUMMONSMetropolitan Property and Casualty Insurance
Company,

Defendant.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.
2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

Paul R. Dahlberg
Jeremy Lampman
Patterson Dahlberg
3014 Allegro Park Lane SW
Rochester, MN 55902

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff



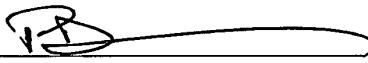
everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

DATED: 10.6.21

PATTERSON DAHLBERG

By: 
Attorneys for Plaintiffs
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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

PERSONAL INJURY

Thomas Berg and Zelda Berg,

Court File No.: _____

Plaintiffs,

vs.

COMPLAINT

Metropolitan Property and Casualty Insurance
Company,

Defendant.

NOW COME the Plaintiffs, and for their claim and cause of action, state and allege as follows:

I.

That on the 26th day of August 2020, at approximately 9:17 p.m. Plaintiff, Thomas Berg, was driving a motorcycle and proceeding southbound on Marion Road SE in Rochester, Minnesota. At the same time, Zeferino Rafael was operating a motor vehicle northbound on Marion Road SE, when, by reason of the negligence of Zeferino Rafael in failing to maintain a proper lookout, failing to yield the right-of-way and such other acts of negligence as shall be proven, a collision was caused to occur.

II.

As a result of the negligence of Zeferino Rafael as hereinbefore alleged, Plaintiff Thomas Berg was injured, has in the past and will in the future incur medical expense, has in the past and will in the future suffer pain and disability, has in the past and will in the future suffer loss of earnings and impairment of earning capacity, and has been otherwise injured.

III.

That on August 26, 2020 Plaintiff was insured under a policy of insurance issued by Defendant and the policy provided, among other coverages, uninsured motorist coverage.

IV.

That Zeferino Rafael was an uninsured motorist as defined under Minnesota Law and Defendant's policy.

V.

That by virtue of the Defendant's obligations under Minnesota law and the terms of its policy, Plaintiff is entitled to recover of Defendant uninsured motorist benefits including benefits for past and future medical expense, past and future pain and disability, and past and future loss of earnings and impairment of earning capacity.

VI.

That despite due demand therefore, Defendant has failed and refused to pay uninsured motorist benefits as required by the terms of its policy and Minnesota law.

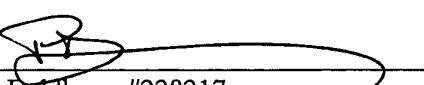
VII.

As a direct result of the uninsured motorist's negligence, Plaintiff, Zelda Berg, has incurred a loss of the society, companionship and consortium of her husband, Thomas Berg, because of the injuries he received in said collision.

WHEREFORE, Plaintiffs pray for an award of damages against the Defendant in a reasonable amount in excess of Fifty Thousand and no/100 Dollars (\$50,000.00), together with costs, disbursements, pre- and post-judgment interest, and for further relief as this court deems just and equitable.

DATED: 10.6.21

PATTERSON DAHLBERG

By 

Paul R. Dahlberg, #228217
Attorney for Plaintiff
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ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211 to the party against whom the allegations in this pleading are asserted.

Dated: 10 6 21



Paul R. Dahlberg